

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC  
PHARMACEUTICALS PRICING  
ANTITRUST LITIGATION**

**IN RE: CLOBETASOL CASES**

**IN RE: CLOMIPRAMINE CASES**

**THIS DOCUMENT APPLIES TO:  
DPP BELLWETHER ACTIONS**

**MDL NO. 2724  
16-md-2724**

**DPP CASE: 16-CB-27241**

**DPP CASE: 16-CM-27241**

**ORDER**

AND NOW, this 5th day of December 2024, upon consideration of the Motions to Exclude [16-CM-27241: Doc. Nos. 90, 91, and 102; 16-CB-27242: Doc. Nos. 139, 141, and 151] and the responses and replies thereto, and after hearings and arguments held on September 24-26, October 8, and October 10, 2024, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that:

1. DPPs' motion to exclude the opinions of Dr. Gilbert is **DENIED** in part and **GRANTED** in part as it relates to testimony by Dr. Gilbert that economic evidence has no bearing on determining the difference between legal and illegal interdependent conduct.
2. Defendants' motion to exclude the opinions of Dr. McGuire is **DENIED** in part and **GRANTED** in part to the extent that Dr. McGuire opines that his conditional probability test demonstrates the existence of a "super" plus factor.
3. Defendants' motion to exclude the opinions of Dr. Leitzinger is **DENIED** in part and **GRANTED** in part as his opinions relate to his alternative overcharge calculations.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe  
**CYNTHIA M. RUFÉ, J.**